

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 5998 of 1996

Between:

1 R. Rajeshwar Rao S/o late R. Gopaiah, High Court of A.P. resident of Govt.

Qr.No.M.C.38, Malakpet Colony, Hyderabad.

2 R. Siva Kumar Varma S/o R. Rajeshwar Rao, resident of Govt. Qr.No.M.C.38,

Malakpet Colony, Hyderabad.

..... PETITIONERS

AND

1 The Deputy Secretary to Government, General Administration

(Accommodation-C) Dept., Govt. of A.P., Secretariat, Hyderabad.

2 The Estate Officer, Hyderabad and Secunderabad, Office at Khairtabad,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of a Writ of Mandamus, directing the Respondent No.1 to allot 'C' type 2 RT Quarter M.C.38 at Malakpet Colony, Hyderabad, to the Petitioner No.2 as per Rule 3 read with Rule 4(9) of the Rules for allotment of Government Quarters issued in G.O.Ms.No.248 Genl. Admn. (Accom-B) Department, dated 17-5-73, declaring the Memorandum No.1957/Accom.C-2/95-1, Dated 11-3-1996 issued by the 1st respondent, as illegal, discriminatory, arbitrary and void.

Counsel for the Petitioner : MR.C.R.PRATAP REDDY

Counsel for the Respondents: GP FOR GENERAL ADMINISTRATION

The Court made the following :

ORDER :

This Writ Petition is filed seeking Writ of Mandamus, to declare the proceedings in Memorandum No.1957/Accom.C-2/95-1, dated 11-3-1996 issued by the first respondent as illegal and arbitrary and to direct the first respondent to allot C-type 2 RT quarter bearing No.M.C.38, at Malakpet, Hyderabad, which is in possession of the petitioners.

In the affidavit filed in support of the Writ Petition, it is stated that the first petitioner was the Court Officer in the High Court of Andhra Pradesh and on health grounds, he opted for voluntary retirement and retired as such on 16-10-1995. During his tenure in service, he was allotted government residential C-type 2RT tenement quarter bearing No.M.C.38 at Malakpet, Hyderabad. It is stated that the second petitioner, who is his son, is appointed as Copyist in the City Civil Court, Hyderabad and is continuing in the same quarter. It is further

stated that to pay medical attention to the first petitioner, the second petitioner is staying with him in the same quarter. It is the case of the petitioners that as per the Rules for allotment of government quarter, the second petitioner is entitle to the same quarter, but, the respondents have issued the impugned proceedings, allotting D-type quarter. The petitioners are also giving number of instances where C-type quarters are allotted to the employees, who were working as Copyists earlier.

Counter affidavit is filed on behalf of the respondents, stating that the second petitioner was appointed as Copyist in the Court of the learned Chief Judge, City Civil Court, Hyderabad. It is stated that as his basic pay was Rs.1665-3200, he was not entitle for allotment of C-type 2RT tenement quarter and he was only eligible for allotment of D-type quarter having regard to his post as Copyist; as such, he was allotted D-type tenement quarter vide impugned proceedings dated 11-3-1996.

It is submitted by Sri C.R.Pratap Reddy, the learned Counsel for the petitioner that in this case though the second petitioner was working as copyist at that point of time, but, now, he is working as Junior Assistant-cum-Bench Clerk in the City Civil Court. It is further submitted that having regard to the post which is now holding by the second petitioner and pay now he is drawing, he is entitle for allotment of C-type 2RT tenement quarter. However, it is submitted that the second petitioner has to apply for the same and as per priority, allotment will be made.

Having regard to the fact that the second petitioner is now working as Junior Assistant, it is stated, he is now eligible for allotment of C-type 2RT tenement quarter. It is also admitted in the counter affidavit filed on behalf of the first respondent that spouse, sons and daughters of retired Government employees are eligible for allotment of Government quarters according to their eligibility, on out of turn basis, if they are in government service and their place of duty is in greater Hyderabad. In that view of the matter and having regard to the fact that the second petitioner is entitle for allotment of C-type 2RT tenement quarter having regard to the post now he is holding and pay he is drawing, and, further, the first petitioner-father who was retired on medical grounds, is continuing with the second petitioner, I dispose of the Writ Petition, directing the first respondent to continue and allot the same government quarter to the second petitioner, which is in possession of the first petitioner. However, it is made clear that the above direction is given having regard to peculiar circumstances of this case, as the first petitioner was allowed to retire on medical grounds and is living with the second petitioner, who is taking care of his health.

Subject to the above direction, the Writ Petition is disposed of. No costs.

20th December, 2004

Ajr/Msnr.

To

1 The Deputy Secretary to Government, General Administration

(Accommodation-C) Dept., Govt. of A.P., Secretariat, Hyderabad.

2 The Estate Officer, Hyderabad and Secunderabad, Office at Khairtabad,

Hyderabad.

3 Two C.Cs., to the G.P. for General Administration, High Court

buildings, Hyderabad (OUT).

4 Two C.D. copies.